



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/384,371	08/27/1999	BRENDAN MURRAY	52817.000091	7713

29315 7590 05/07/2002

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC
ONE FOUNTAIN SQUARE
11911 FREEDOM DRIVE, SUITE 400
RESTON, VA 20190

EXAMINER

EDOUARD, PATRICK NESTOR

ART UNIT PAPER NUMBER

2654

DATE MAILED: 05/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/384,371

Applicant(s)
MURRAY ET AL

Examiner
PATRICK N. EDOUARD

Art Unit
2654



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 22, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-8, 10-22, and 24-28 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8, 10-22, and 24-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 8
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2644

DETAILED ACTION

1. This Office Action is in response to communication filed 2/22/02 (paper#7). Claims 1, 3-8, 10-15, 17-22 and 24-28 are pending. Claims 2, 9, 16 and 23 are canceled.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 8, 15 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation “the predetermined set of candidate character sets” lacks clear antecedent basis.

Claims 3-7, 10-14, 17-21, and 24-28 incorporate the problems of independent claims 1, 8, 15, and 22 by dependency.

4. Claims 1, 3-4, 8, 10-11, 15, 17-18, 22, and 24-25 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of copending Application No. 09/384,443 (as set forth in prior office action).

Art Unit: 2644

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 5-8, , 13-15, 19-22 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martino et al (5,548,507) in view of Powell (6,157,905)

As per claims 1, 6, 11 and 16, Martino et al teach a method of evaluating characters in a message, comprising the steps of

“Accepting an input of the characters of the message” (figure 1, his document source 101, col. 7, lines 59-64); and

“Selecting the best match between the message and the candidate character” (figure 1, his word comparator controls 103, col. 9 and 10).

It is noted that Martino teaches “evaluating the message by comparing the words of the message to a predetermined set of candidate word sets to determine a match between the predetermined set of candidate word set and the message” (figure 1, his word comparator controls, col. 7, lines 59-67 through col. 8, lines 1-60, col. 5, lines 5-60), but does not explicitly teach individually comparing each of the characters of the message to an entry for each of the candidate character sets in a character table bank. However, this feature is well known in the art as evidenced by Powell who teaches a facility for identifying the unknown language of text

Art Unit: 2644

represented by a series of data values in accordance with a character set associates character glyphs with particular data values in the abstract and further teaches in col. 8 a table bank where each character in the example "snow called powder" is compared to each entry in the table. Therefore, one having ordinary skill in the art at the time the invention was made would have found it obvious to recognize that the language identification's system of Martino using words could be done using comparison of individual characters in a table bank as taught by Powell because it would provide a system that would have a reasonable storage requirement and would be extensible to new character sets and languages with significant utility.

As per claims 5, 10, 15, and 20, Martino et al teach computing a total number of character matched to each of the candidate character sets (table 1, his cumulative frequency- see Powell col. 8, line 30- col. 10, line 56).

As per claims 6-7, 12-14, and 26-28, Martino et al teach selecting a best match comprises selecting the best match upon the total number of characters (claim 1, detecting which of the plural WFAs has the largest accumulated amount and identifying the human language with the WFA detected to have the largest accumulated value -see Powell 's col. 8, line 30- col. 10, line 56).

7. Claims 3-4, 10-11, 17-18 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martino et al (5,548,507) in view of Powell (6,157,905) as applied to claims 1, 8, 15, and 22 above and further in view of Edberg (5,873,111)

Art Unit: 2644

As per claims 3, 10, 17 and 24 the combination (Martino et al with Powell) teaches the claimed invention but does not explicitly teach each character comprises the steps of testing the ability of each candidate character set to express that character by performing a logical mask between a universal code for that character and an indicator in the character table bank indicating whether each of the candidate character sets contain that character. However, this feature is well known in the art as evidenced by Edberg who teach at col. 6, lines 30-47, a collocation object within an object database with collocation information organized in a table in such a way as to facilitate a selection of an intersection of a character attribute in the table with any other character attribute in the table. Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to incorporate into the combination (Martino with Powell) the collocation object and table as taught by Edberg because Edberg teaches one of ordinary skill in the art the benefit of using a collocation object and table with the motivation of providing portability , improving performance, ability to handle unicode and improving linguistic capability.

As per claims 4, 11, 18 and 25, Edberg teaches the universal code is unicode (figure 7).

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2644

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231 or faxed to:

(703) 308-9051, (for formal communications intended for entry) Or:

(703) 305-9508 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 11, 2121 Crystal Drive, Arlington, VA.,

Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick N. Edouard whose telephone number is (703) 308-6725. The examiner can normally be reached on Tuesday-Friday from 07:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached on (703) 305-4379.

Serial Number: 09/384,371

Page 7


Art Unit: 2644

The facsimile phone number for this Art Unit is (703) 872-9314. Alternatively, facsimile messages may be sent directly to (703) 305-9644 where they will be stored in the examiner's voice mailbox (telling the examiner that a fax was received) and be automatically printed (i.e. - no delay by the examiner).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Patrick N. Edouard

April 29, 2002



PATRICK N. EDOUARD
PATENT EXAMINER